

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MONTE C. HOISINGTON,

Petitioner,

v.

HENRY RICHARDS,

Respondent.

Case No. C05-5642RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed petitioner's motion, the respondent's response to the motion, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE**.
- (3) Clerk is directed to send copies of this Order to petitioner, counsel for respondent, and to the Hon. J. Kelley Arnold.

DATED this 10th day of April, 2006.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE